

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK LUCIANO,

Defendant.

CR 19-86-BLG-SPW-TJC

**FINDINGS AND  
RECOMMENDATION OF  
U.S. MAGISTRATE JUDGE**

The Defendant, by consent, appeared before me under Fed. R. Crim. P. 11 and entered a plea of guilty to Count II of the Indictment, which charges the crime of possession of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1).

After examining the Defendant under oath, the Court determined:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against him;
2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge;

3. That the Defendant fully understands his pertinent constitutional rights and the extent to which he is waiving those rights by pleading guilty to the criminal offense charged against him; and

4. That his plea of guilty to the criminal offense charged against him is knowingly and voluntarily entered, and is supported by independent factual grounds sufficient to prove each of the essential elements of the offense charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that Defendant fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true.

Therefore, I recommend that the Defendant be adjudged guilty of the charge in Count II of the Indictment and that sentence be imposed.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b)(2).

DATED this 26th day of September, 2019.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge